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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,479	03/07/2002	Eric Rescorla	730.39867X00	3321

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EXAMINER

WON, MICHAEL YOUNG

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/091,479

Applicant(s)

RESCORLA ET AL.

Examiner

Michael Y. Won

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/7/02 & 12/18/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-27 have been examined and are pending with this action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baskey et al. (US 6148410 A) in view of Weinstein et al. (US 6094485 A).

As per claims 1, 17, 19, and 22, Baskey teaches of a method, a system, and an apparatus comprising a storage medium containing instructions stored therein (see abstract) for clustered acceleration comprising: a first node or a computing device and a second node or a computing device (see Fig.1); connecting at least two relays in a cluster (see Fig.1); a first interface for transferring information between a first node and the relay (see Fig.1); a second interface for transferring information between a second node and the relay (see Fig.1); a third interface for transferring information between relays in the cluster (see Fig.1 and col.1, lines 7-12); transferring information between a first node and one of the at least two relays, the transferred information related to communication between the first node and a second node (see col.5, line 64 to col.6,

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line 4); and clustering state information of a connection between the first node and the one of the at least two relays, the clustering comprising sharing the state information between one of the at least two relays and all other relays in the cluster, wherein any of the at least two relays can take over all connections of another of the at least two relays, therefore providing no interruption in the communication should any of the at least two relays fail (see col.1, line 31-36; col.3, lines 20-27; and col.8, lines 12-25).

Baskey does not teach that the relays are Secure Socket Layer relays. Weinstein teaches of SSL (see title). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Weinstein within the system of Baskey by implementing an SSL protocol within the relay of a clustered acceleration method, system and apparatus because in a client-server network security is always an issue. Thus, for applications to be exchanged there between, an SSL protocol would be efficient and universally economical (see Weinstein: col.1, lines 13-20).

As per claims 2, 18, 21, and 23, Baskey further teaches wherein the first node comprises a client and the second node comprises a server (see Fig.1).

As per claims 3, Baskey teaches of further comprising transferring the information between the first node and a second of the at least two clustered SSL relays transparently to the first node upon failure of the one at least two SSL relays (see col.3, lines 20-27).

As per claims 4 and 6, Baskey teaches of further comprising transferring the communication from the first node to a second of the at least two clustered SSL relays

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and from the second of the at least two SSL relays to the second node transparently to the first node upon failure of the one at least two SSL relays (see col.3, lines 20-27).

As per claim 5, Baskey further teaches wherein the communication comprises data being transferred between the first node and the second node (see col.5, line 64 to col.6, line 4).

As per claim 7, Baskey teaches of further comprising sharing an SSL session cache across all of the at least two SSL relays (see col.1, lines 28-35 and col.8, lines 26-39).

As per claim 8, Baskey teaches of further comprising clustering an SSL session resumption between the first node and the one of the at least two SSL relays (see col.2, line 58 to col.3, line 38).

As per claim 9, Baskey does not teach of further comprising clustering cryptographic keying information across all of the at least two SSL relays. Weinstein teaches of further comprising clustering cryptographic keying information across all of the at least two SSL relays (see abstract).

As per claim 10, Baskey does not teach of further comprising clustering a key and a current Cipher Block Chaining (CBC) residue. Weinstein teaches of further comprising clustering a key and a current Cipher Block Chaining (CBC) residue (see col.9, lines 24-28)

As per claim 11, Baskey does not teach of further comprising clustering a sequence number. Weinstein teaches of further comprising clustering a sequence number (see col.9, lines 29-34).

As per claim 12, Baskey does not teach of further comprising clustering a current key schedule. Weinstein teaches of further comprising clustering a current key schedule (see col.17, line 2 to col.18, line 59).

As per claim 13, Baskey does not teach of further comprising clustering a key and an offset into a key stream. Weinstein teaches of further comprising clustering a key and an offset into a key stream (see abstract).

As per claim 14, Baskey does not teach of further comprising clustering a cipher state. Weinstein teaches of further comprising clustering a cipher state (see col.11, lines 17-19).

As per claim 15, Baskey teaches of further comprising clustering data from a partial record corresponding to data from either the first or second node (see col.4, lines 61-67).

As per claim 16, Baskey teaches of further comprising clustering a record size before the record is transmitted (see col.2, lines 8-14).

As per claim 20, Baskey does not teach wherein each computing device comprises a Secure Sockets Layer (SSL) relay.

As per claims 24-27, Baskey further teaches wherein the first interface and the second interface and the third interface are the same (see col.2, lines 64-67 and col.3, lines 20-27).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y. Won whose telephone number is 571-272-3993. The examiner can normally be reached on M-Th: 7AM-5PM.

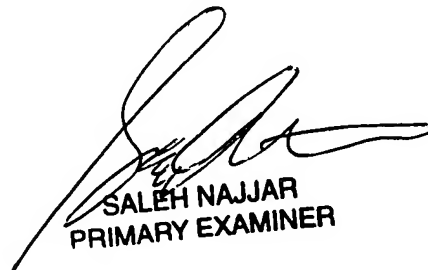
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Won



July 21, 2005



SALEH NAJJAR
PRIMARY EXAMINER